



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5756

by Rep. John M. Cabello

SYNOPSIS AS INTRODUCED:

See Index

Amends the Military Code of Illinois. Provides that there shall be no unlawful discrimination in the Illinois National Guard. Deletes provisions requiring specific military personnel numbers for the Organized Militia. Provides that the personnel strength of the Organized Militia shall instead be in accordance with tables and authorizations provided by the U.S. Army and Air Force and makes related changes. Repeals Sections concerning the appointment of personal aides by the Governor. Removes a reference to the Chief of Staff from a Section concerning the position's creation and makes related changes. Makes changes to provisions concerning the Adjutant General and Assistant Adjutants General. Deletes provisions requiring the Governor to appoint an Assistant Adjutant General as the head of the Division of Family Affairs and makes related changes. Provides that the Division of Family Affairs exists subject to appropriation. Makes changes to a Section concerning funeral honors duties. Provides that an officer's commission may be removed pursuant to the findings and recommendations of a board convened pursuant to federal regulations. Removes a requirement for the Governor to and grants the Adjutant General with discretion to convene a board to review a recommendation that an officer or member is undesirable. Provides the Governor with discretion to require that a bond may be given to an officer accountable for public property. Removes provisions concerning an "Armory Rental Account" and replaces it with the "National Guard Construction Fund". Repeals a Section concerning the powers of commanding officers of encampments or parades. Repeals a Section concerning individuals that interrupt military parades or drills. Makes other changes. Amends the Service Member's Employment Tenure Act. Provides that the definition for "military service" includes the full-time duties of the Adjutant General and Assistant Adjutants General.

LRB099 19780 MJP 44178 b

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Military Code of Illinois is amended by
5 changing Sections 7, 8, 14, 15, 20, 20.5, 22-10, 24, 28, 28.6,
6 30.10, 40, 42, 43, 58, 65, and 92 as follows:

7 (20 ILCS 1805/7) (from Ch. 129, par. 220.07)

8 Sec. 7. The Organized Militia shall consist of the Illinois
9 National Guard. There shall be no racial segregation nor shall
10 there be any unlawful discrimination in the service of any
11 detachment, company, regiment, division, department or any
12 other subdivision of the Illinois National Guard ~~because of~~
13 ~~race, creed or color.~~

14 (Source: P.A. 85-1241.)

15 (20 ILCS 1805/8) (from Ch. 129, par. 220.08)

16 Sec. 8. The personnel strength of the Organized Militia
17 shall be in accordance with tables and authorizations provided
18 by the U.S. Departments of the Army and the Air Force for the
19 U.S. Army and Air National Guard, respectively. ~~In time of~~
20 ~~peace the strength of the Organized Militia shall not be less~~
21 ~~than 6,000 and not more than 45,000 officers, warrant officers~~
22 ~~and enlisted personnel.~~

1 ~~The Governor as Commander in Chief shall have power in case~~
2 ~~of war, insurrection, invasion or imminent danger thereof, to~~
3 ~~increase the forces beyond the 45,000 and organize them as the~~
4 ~~exigencies of the service may require.~~

5 (Source: Laws 1957, p. 2141.)

6 (20 ILCS 1805/14) (from Ch. 129, par. 220.14)

7 Sec. 14. The Commander-in-Chief shall appoint from the
8 active officers of the Illinois National Guard, The Adjutant
9 General, ~~Chief of Staff,~~ with the grade of Major General. The
10 appointment of the Adjutant General shall be for a term
11 expiring on the 3rd Monday in January, 1971, and in each
12 odd-numbered year thereafter. The Adjutant General shall serve
13 as both the Director of the Department of Military Affairs and
14 as the Commander of the Illinois National Guard.

15 (Source: P.A. 98-694, eff. 7-3-14.)

16 (20 ILCS 1805/15) (from Ch. 129, par. 220.15)

17 Sec. 15. Assistant Adjutants General.

18 (a) The Commander-in-Chief shall appoint from the active
19 officers of the Illinois National Guard, a full-time ~~an~~
20 Assistant Adjutant General for Army and a full-time ~~an~~
21 Assistant Adjutant General for Air each with a grade not to
22 exceed Major General. Each of the Assistant Adjutants General
23 shall be appointed for a term coinciding with the term provided
24 for the Adjutant General in Section 14, and shall serve with

1 the compensation and responsibilities as designated in this
2 Act.

3 (a-5) (Blank). ~~The Commander in Chief shall appoint from~~
4 ~~the active officers of the Illinois National Guard an Assistant~~
5 ~~Adjutant General to serve as head of the Division of Family~~
6 ~~Affairs within the Department of Military Affairs, with a grade~~
7 ~~not to exceed Major General. The Assistant Adjutant General~~
8 ~~shall be appointed for a term coinciding with the term provided~~
9 ~~for the Adjutant General in Section 14, and shall serve with~~
10 ~~the compensation and responsibilities as designated in this~~
11 ~~Code.~~

12 (b) The Commander-in-Chief may also appoint additional
13 Assistant Adjutants General for Army and such additional
14 Assistant Adjutants General for Air with the grades not to
15 exceed those authorized for the positions in the Joint Force
16 Headquarters of the Illinois National Guard.

17 (Source: P.A. 96-94, eff. 7-27-09.)

18 (20 ILCS 1805/20) (from Ch. 129, par. 220.20)

19 Sec. 20. There is hereby established in the Executive
20 Branch of the State Government, a principal department which
21 shall be known as the Department of Military Affairs. The
22 Department of Military Affairs shall consist of The Adjutant
23 General, ~~Chief of Staff~~; an Assistant Adjutant General for
24 Army; an Assistant Adjutant General for Air; and the number of
25 military and civilian employees required. It is the channel of

1 communication between the Federal Government and the State of
2 Illinois on all matters pertaining to the State military
3 forces.

4 (Source: P.A. 85-1241.)

5 (20 ILCS 1805/20.5)

6 Sec. 20.5. Division of Family Affairs. Subject to
7 appropriations for this purpose, the ~~The~~ Division of Family
8 Affairs is created as a Division within the Department of
9 Military Affairs. ~~The head of the Division shall serve as an~~
10 ~~Assistant Adjutant General.~~ The Division shall assist family
11 members of military members who are mobilized or in service
12 abroad. This assistance shall include, but need not be limited
13 to, advocacy to help such family members access all available
14 State services that are provided through the Department or any
15 other State agency.

16 (Source: P.A. 96-94, eff. 7-27-09.)

17 (20 ILCS 1805/22-10)

18 Sec. 22-10. Notice of provisions of Service Member's
19 Employment Tenure Act. Whenever a member of the Illinois
20 National Guard is called to active military duty ~~pursuant to a~~
21 ~~declaration of war by the Congress or by the President under~~
22 ~~the War Powers Act or by the Governor in time of declared~~
23 ~~emergency or for quelling civil insurrection,~~ the Adjutant
24 General shall ensure that the member is briefed on

1 ~~expeditiously given written notice~~ of the provisions of
2 Sections 4 and 4.5 of the Service Member's Employment Tenure
3 Act.

4 (Source: P.A. 94-162, eff. 7-11-05.)

5 (20 ILCS 1805/24) (from Ch. 129, par. 220.24)

6 Sec. 24. The Adjutant General shall have charge of all
7 correspondence and the records thereof pertaining to his
8 office, and shall file for record all returns of troops, and
9 all reports and records of field service, drills and ~~camp~~ of
10 instruction, and of all active service performed by troops of
11 the State in service of the State or of the United States.

12 (Source: Laws 1957, p. 2141.)

13 (20 ILCS 1805/28) (from Ch. 129, par. 220.28)

14 Sec. 28. When the Commander-in-Chief proclaims a time of
15 public danger or when an emergency exists. The Adjutant General
16 may purchase or authorize the purchase of stores and supplies
17 in accordance with the emergency purchase provisions in the
18 Illinois Procurement Code ~~the open market sufficient for the~~
19 ~~needs of the emergency then existing without requiring~~
20 ~~proposals and without advertising for the same.~~

21 (Source: Laws 1957, p. 2141.)

22 (20 ILCS 1805/28.6)

23 Sec. 28.6. Policy.

1 (a) A member of the Army National Guard or the Air National
2 Guard may be ordered to funeral honors duty in accordance with
3 this Article. ~~That member shall receive an allowance of \$100~~
4 ~~for any day on which a minimum of 2 hours of funeral honors~~
5 ~~duty is performed.~~ Members of the Illinois National Guard
6 ordered to funeral honors duty in accordance with this Article
7 are considered to be in the active service of the State for all
8 purposes except for pay, and the provisions of Sections 52, 53,
9 54, 55, and 56 of the Military Code of Illinois apply if a
10 member of the Illinois National Guard is injured or becomes a
11 person with a disability in the course of those duties.

12 (b) The Adjutant General may provide support for other
13 authorized providers who volunteer to participate in a funeral
14 honors detail conducted on behalf of the Governor. This support
15 is limited to transportation, ~~reimbursement for~~
16 ~~transportation, expenses, materials,~~ and training.

17 (c) On or after July 1, 2006, if the Adjutant General
18 determines that Illinois National Guard personnel are not
19 available to perform military funeral honors in accordance with
20 this Article, the Adjutant General may authorize another
21 appropriate organization to provide one or more of its members
22 to perform those honors and, subject to appropriations for that
23 purpose, shall authorize the payment of a \$100 stipend to the
24 organization.

25 (Source: P.A. 99-143, eff. 7-27-15.)

1 (20 ILCS 1805/30.10)

2 Sec. 30.10. Definitions. In this Article:

3 "National Guard" has the definition provided by federal law
4 at 10 U.S.C. 101(c).

5 "Illinois National Guard" has the definition provided in
6 Sections 5 and 7 of this Code.

7 "Federal active duty under Title 10 of the United States
8 Code" means active federal service of members of the National
9 Guard pursuant to any provision of Chapter 1209 of Title 10 of
10 the United States Code.

11 "Training or duty under Title 32 of the United States Code"
12 means active or inactive National Guard training or duty
13 performed pursuant to Chapter 5 of Title 32 of the United
14 States Code and pursuant to the orders of the Governor.

15 "State Active Duty" means National Guard duty performed in
16 the active service of any state or United States territory or
17 commonwealth in accordance with that jurisdiction's laws and
18 pursuant to the orders of the Governor concerned and the
19 full-time duty of the Adjutant General and Assistant Adjutants
20 General as provided in Section 17 of this Code. It does not
21 refer to active duty performed pursuant to Chapter 5 of Title
22 32 of the United States Code and pursuant to the orders of the
23 Governor.

24 "Political subdivision" means any unit of local government
25 or school district.

26 (Source: P.A. 92-716, eff. 7-24-02.)

1 (20 ILCS 1805/40) (from Ch. 129, par. 220.40)

2 Sec. 40. Except where otherwise specified herein, all
3 officers now in active service or hereafter appointed, shall
4 hold their respective commissions until they are vacated by
5 resignation or retirement, or by acceptance of another
6 commission in the State military service, or by sentence of a
7 general courts-martial, approved finding of a board of officers
8 under Section 42, Article VIII, approved finding of a board of
9 officers convened pursuant to federal regulations in which the
10 board recommends withdrawal of federal recognition of the
11 officer's commission, or terminated under Section 43, Article
12 VIII hereof. Federal recognition with commission in the
13 National Guard of the United States is established as a
14 requirement for holding commission in the active National Guard
15 of Illinois; the commission of an officer in the National Guard
16 of Illinois will be terminated upon failure to obtain or retain
17 Federal recognition.

18 (Source: P.A. 85-1241.)

19 (20 ILCS 1805/42) (from Ch. 129, par. 220.42)

20 Sec. 42. Whenever a recommendation is made pursuant to the
21 provisions of the preceding Section and such recommendation is
22 approved by superior commanders, it shall be within the
23 discretion of the Adjutant General ~~the duty of the~~
24 ~~Commander in Chief~~ to convene a board of not less than three

1 nor more than five commissioned officers all superior in rank
2 or date of rank to the officer or enlisted member facing
3 investigation , ~~at least one of whom shall be a medical~~
4 ~~officer,~~ to examine into the matter of such recommendation and
5 the desirability and qualifications of the officer or enlisted
6 member who is the subject thereof, and to report its findings
7 and recommendations to the ~~Commander in Chief through The~~
8 Adjutant General. If the board finds such officer to be
9 undesirable and such findings are approved by the Adjutant
10 General ~~Commander in Chief~~, then the commission of such
11 officer or enlistment of such soldier or airman, in the
12 Organized Militia, shall be terminated.

13 (Source: Laws 1957, p. 2141.)

14 (20 ILCS 1805/43) (from Ch. 129, par. 220.43)

15 Sec. 43. When an officer is absent without leave from four
16 consecutive unit training assemblies ~~ordered armory drills~~ or
17 the annual training ~~Field Training~~ period such officer's
18 commission shall be terminated.

19 (Source: Laws 1957, p. 2141.)

20 (20 ILCS 1805/58) (from Ch. 129, par. 220.58)

21 Sec. 58. The Commander-in-Chief may ~~shall~~ require that a
22 bond in a suitable amount, payable to the People of the State
23 of Illinois, shall be given by an approved surety company for
24 any officer accountable for public property, for its proper

1 care and use as provided herein or by regulations, and for its
2 return upon demand of competent authority in good order and
3 condition, fair wear and tear and unavoidable loss excepted,
4 subject to the recommendations of a survey, approved by The
5 Adjutant General. Provided, however, that The Adjutant General
6 with the approval of the Governor, may obtain an adequate
7 indemnity bond covering all or part of the officers so
8 accountable or responsible, in which case the officers so
9 covered shall not be required to furnish individual bonds as
10 hereinbefore provided. The charges and expenses of all bonds
11 provided for in this Act shall be paid by the State. Upon the
12 violation of any of the conditions of any bond executed and
13 delivered under the provisions of this Section, action thereon
14 shall be brought by the Attorney General on behalf of the
15 State. It shall be the duty of the Attorney General of the
16 State to prosecute all actions upon such bonds.

17 (Source: Laws 1957, p. 2141.)

18 (20 ILCS 1805/65) (from Ch. 129, par. 220.65)

19 Sec. 65. Subject to such reasonable regulations as may be
20 promulgated by the Adjutant General, the use and rental of
21 armories may be permitted for any reasonable and legitimate
22 civilian activities so long as the activities do not interfere
23 with their use for military purposes. Proceeds received from
24 rentals, ~~above the expenses incident to the use,~~ will be placed
25 in the National Guard Construction Fund ~~an "Armory Rental~~

1 ~~Account" by the Adjutant General and used for recruiting,~~
2 ~~athletic, and recreational activities and other purposes in the~~
3 ~~interest and for the benefit of the personnel of the Illinois~~
4 ~~National Guard. Expenditures of those proceeds must be made on~~
5 ~~a modified per capita basis with due consideration given to the~~
6 ~~proportion of each armory's generation of revenue, as~~
7 ~~determined by the Adjutant General.~~

8 (Source: P.A. 92-252, eff. 8-3-01.)

9 (20 ILCS 1805/92) (from Ch. 129, par. 220.92)

10 Sec. 92. The proceedings, recommendations and findings of
11 any board convened by order of the Commander-in-Chief, under
12 provisions of this act, shall be confidential and publication
13 of any such findings or recommendations shall be made only by
14 and through the Commander-in-Chief or the Adjutant General ~~his~~
15 ~~Chief of Staff~~. Any officer or member of such board, who
16 without authority communicates information pertaining to the
17 proceedings, recommendations or findings to any person or
18 agency other than as herein provided shall be punished as a
19 court-martial may direct.

20 (Source: Laws 1957, p. 2141.)

21 (20 ILCS 1805/12 rep.)

22 (20 ILCS 1805/13 rep.)

23 (20 ILCS 1805/30 rep.)

24 (20 ILCS 1805/97 rep.)

1 (20 ILCS 1805/98 rep.)

2 Section 10. The Military Code of Illinois is amended by
3 repealing Sections 12, 13, 30, 97, and 98.

4 Section 15. The Service Member's Employment Tenure Act is
5 amended by changing Section 3 as follows:

6 (330 ILCS 60/3) (from Ch. 126 1/2, par. 31)

7 Sec. 3. Definitions. The term "persons in the military
8 service", as used in this Act, shall include the following
9 persons and no others: All members of the Army of the United
10 States, the United States Navy, the Marine Corps, the Air
11 Force, the Coast Guard and all members of the State Militia
12 called into the service or training of the United States of
13 America or of this State. The term "military service", as used
14 in this Act, shall signify Federal service or active duty with
15 any branch of service heretofore referred to as well as
16 training or education under the supervision of the United
17 States preliminary to induction into the military service. The
18 term "military service" also includes any period of active duty
19 with the State of Illinois pursuant to the orders of the
20 President of the United States or the Governor. The term
21 "military service" also includes any period of active duty by
22 members of the National Guard who are called to active duty
23 pursuant to an order of the Governor of this State or an order
24 of a governor of any other state as provided by law. The term

1 "military service" also includes the full-time duties of the
2 Adjutant General and Assistant Adjutants General under Section
3 17 of the Military Code of Illinois.

4 The foregoing definitions shall apply both to voluntary
5 enlistment and to induction into service by draft or
6 conscription.

7 The term "political subdivision", as used in this Act,
8 means any unit of local government or school district.

9 (Source: P.A. 99-88, eff. 7-21-15.)

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